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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,810	09/19/2005	Sadao Ioki	Q88611	7664
23373	7590	02/19/2009	EXAMINER	
SUGHRUE MION, PLLC			RUDE, TIMOTHY L	
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT	PAPER NUMBER
SUITE 800			2871	
WASHINGTON, DC 20037				
MAIL DATE		DELIVERY MODE		
02/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10549810	9/19/2005	IOKI ET AL.	Q88611

EXAMINER

TIMOTHY RUDE

ART UNIT	PAPER
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2871	20090212
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DATE MAILED:

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Commissioner for Patents

This is a supplemental notice in response to Applicant's 10 February 2009 telephone call requesting clarification.

The amendment filed on 29 October 2008 amending all claims drawn to the elected invention and presenting only claims drawn to an invention non-elected by original presentation per MPEP 818.02(a) is non-responsive (MPEP § 821.03).

The remaining claims are not readable on the elected invention because they are considered to limit to, inter alia, structurally mutually exclusive locations for the "peripheral prisms". The elected species has "peripheral prisms" located at both ends of the linear light emitting source as opposed to the presently claimed "disposed in the peripheral portions (of what ?)".

The proposed amendment would effectively move the "peripheral prisms" from two locations known to be at the ends of the linear light emitting source to some unknown number of unknown locations. This is considered a structurally mutually exclusive alternate species of the device. Although the limitations might also be indefinite, examiner considers the proposed new limitations to be at least mutually exclusive to that which is constructively elected, thereby preventing entry of the amendment under MPEP § 821.03 and MPEP 818.02(a), and thereby rendering the consideration of indefiniteness moot.

Please note, Applicant, in general, may add limitations to claims, but when Applicant deletes prior limitations in claims and substitutes alternate limitations, Applicant may consequently depart from the elected species.

Applicant may telephone examiner, (571) 272-2301 for help in amending in such a way as to remain drawn to elected species. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/TIMOTHY RUDE/
Primary Examiner, Art Unit 2871